

109TH CONGRESS
1ST SESSION

S. 514

To complete construction of the 13-State Appalachian development highway system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Mr. BYRD introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To complete construction of the 13-State Appalachian development highway system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Appalachian Develop-
5 ment Highway System Completion Act of 2005”.

6 **SEC. 2. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated out of the Highway
9 Trust Fund (other than the Mass Transit Account) for
10 the Appalachian development highway system program

1 under section 14501 of title 40, United States Code,
2 \$840,000,000 for each of fiscal years 2005 through 2010.

3 (b) APPORTIONMENT.—The Secretary shall appor-
4 tion funds made available by subsection (a) for fiscal years
5 2005 through 2010 among the States based on the latest
6 available cost-to-complete estimate for the Appalachian
7 development highway system under section 14501 of title
8 40, United States Code, prepared by the Appalachian Re-
9 gional Commission.

10 (c) APPLICABILITY OF TITLE 23.—Funds made
11 available by subsection (a) shall be available for obligation
12 in the same manner as if the funds were apportioned
13 under chapter 1 of title 23, United States Code, except
14 that—

15 (1) the Federal share of the cost of any project
16 carried out using the funds shall be determined in
17 accordance with section 14501 of title 40, United
18 States Code; and

19 (2) the funds shall remain available until ex-
20 pended.

21 (d) AVAILABILITY OF FUNDS.—Notwithstanding any
22 other provision of law enacted before, on, or after the date
23 of enactment of this Act, any obligation limitation enacted
24 for any of fiscal years 2005 through 2010 shall not apply
25 to obligations authorized for the Appalachian development

1 highway system program under section 14501 of title 40,
2 United States Code.

3 (e) LOANS BETWEEN STATES.—

4 (1) IN GENERAL.—On notice to the Secretary
5 of Transportation, a State that receives an appor-
6 tionment under subsection (b) may lend any amount
7 of contract authority or obligation authority avail-
8 able to the State pursuant to the apportionment to
9 any other State that is eligible for such an appor-
10 tionment for use by the borrowing State for activi-
11 ties eligible under section 14501 of title 40, United
12 States Code.

13 (2) REPAYMENT.—Any loan under paragraph
14 (1) shall be repaid not later than September 30,
15 2010.

16 (f) ADMINISTRATIVE EXPENSES.—Section 104(a) of
17 title 23, United States Code, is amended—

18 (1) in paragraph (1)—

19 (A) by striking “the Federal lands highway
20 program under section 204, or the Appalachian
21 development highway system program under
22 section 201 of the Appalachian Regional Devel-
23 opment Act of 1965 (40 U.S.C. App.),” and in-
24 serting “or the Federal lands highway program
25 under section 204,”; and

1 (B) in subparagraph (A)—

2 (i) by striking “necessary—” and all
3 that follows through “to administer” and
4 inserting “necessary to administer”; and

5 (ii) by striking clause (ii);

6 (2) by redesignating paragraphs (2) through
7 (4) as paragraphs (3) through (5), respectively; and

8 (3) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) APPALACHIAN DEVELOPMENT HIGHWAY
11 SYSTEM.—Whenever an apportionment is made of
12 the sums made available for expenditure on the Ap-
13 palachian development highway system program
14 under section 14501 of title 40, the Secretary shall
15 deduct that sum, in an amount not to exceed $\frac{2}{5}$ of
16 1 percent of the sums made available, as the Sec-
17 retary determines to be appropriate—

18 “(A) to administer that section; and

19 “(B) to make transfers to the Appalachian
20 Regional Commission to pay the costs of admin-
21 istrative activities associated with the Appa-
22 lachian development highway system.”.

23 (g) MINIMUM GUARANTEE.—Section 105 of title 23,
24 United States Code, is amended—

1 (1) in the first sentence of subsection (a), by
2 striking “Appalachian development highway sys-
3 tem,”; and

4 (2) in subsection (c)(1), by striking “Appa-
5 lachian development highway system,” each place it
6 appears.

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